

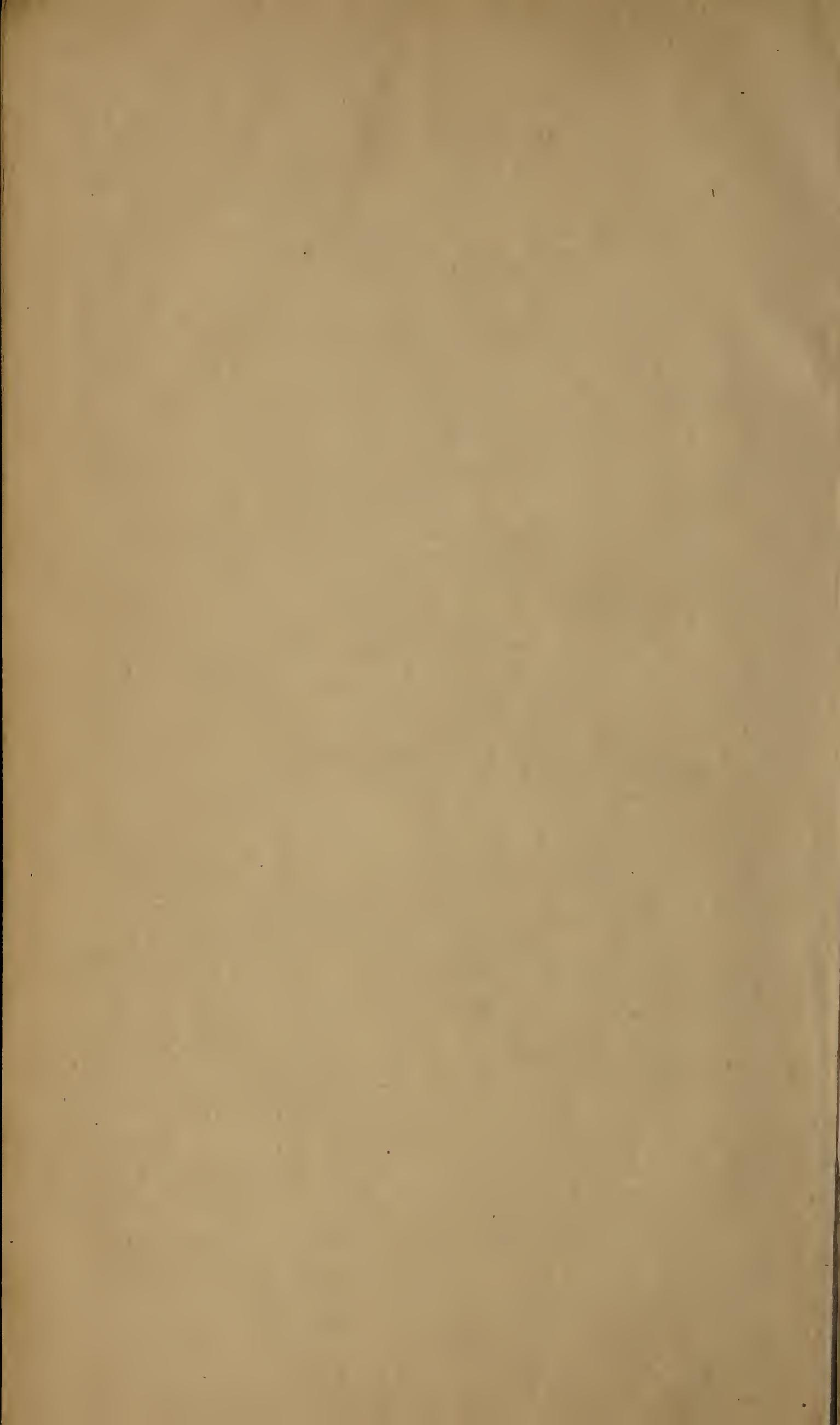
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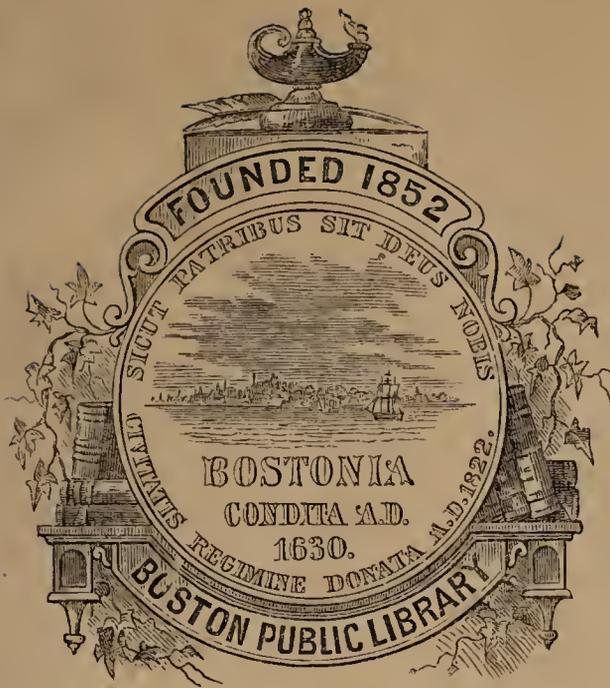


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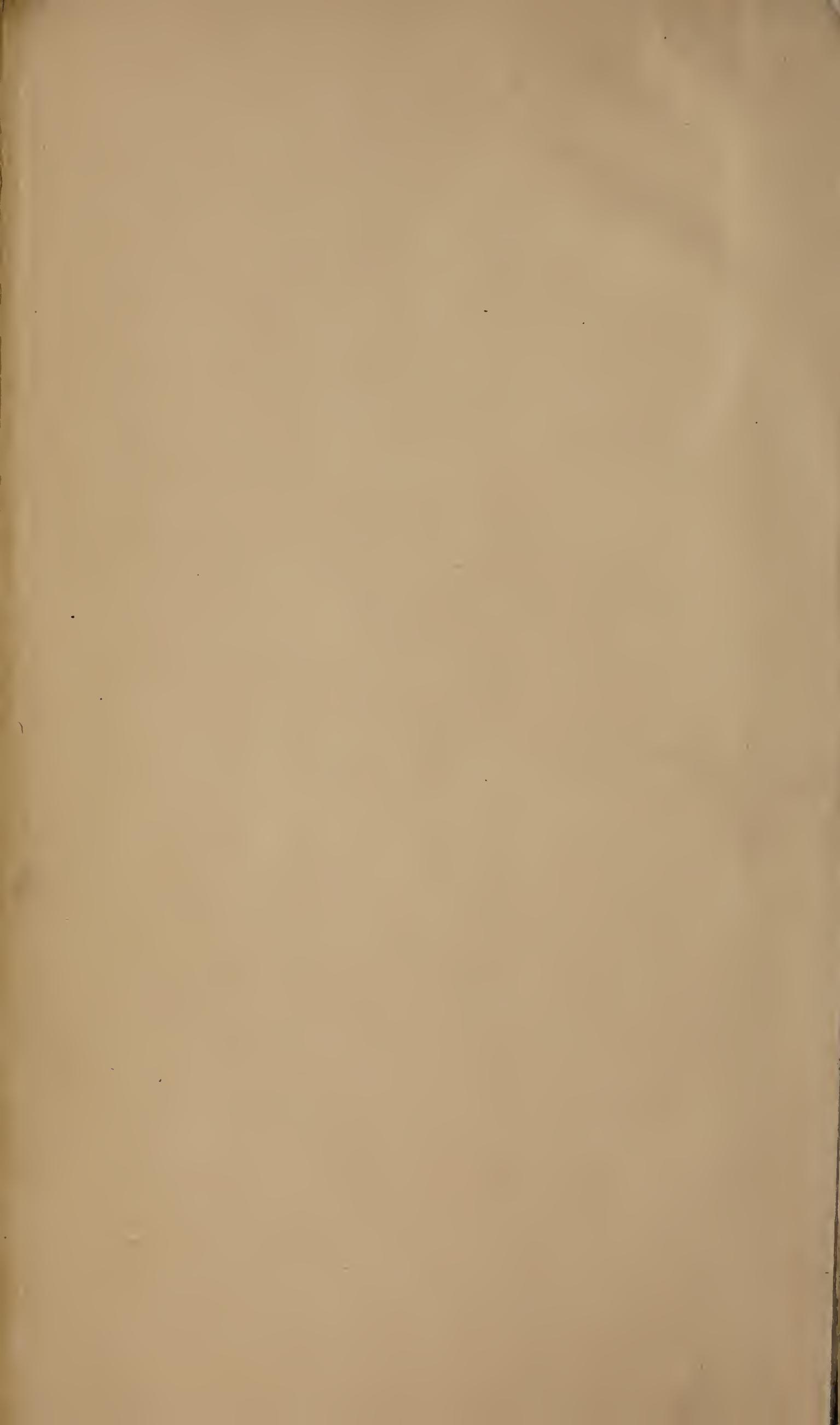
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ACCESSION No. 355,424

ADDED. Dec. 17, 1884.

CATALOGUED BY

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MEMORANDA.

RESPONSIBILITY OF SOCIETY

FOR THE

CAUSES OF CRIME.

A PAPER READ BEFORE THE NATIONAL CONGRESS OF
PENITENTIARY AND REFORMATORY DISCIPLINE, CINCINNATI,
OCTOBER, 1870.

BY

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[PRINCETON REPERTORY, JANUARY, 1871.]

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NEW YORK:

17579.65

RESPONSIBILITY OF SOCIETY

FOR

THE CAUSES OF CRIME.

SOCIETY sustains a fourfold relation to crime:—

- (1.) To those who are in danger of becoming criminals;
- (2.) To those who are criminals;
- (3.) To the prison population; and,
- (4.) To the liberated convict.

These several classes differ very much as to numbers—from the comparatively small class, the imprisoned, to the large class, the criminals themselves; and the still larger body, those from whom the criminal class is recruited.

I.—THE EXPOSED POPULATION.

Helplessness.

Of the above four classes the most clearly defined is the prison population. Their numbers are definitely known, or at least knowable, as also are their offences. If now from the seventeen thousand criminals in the different penitentiaries and State prisons of the United States (1868), we can get an answer to the question: *What brought you here?* we shall have made a great advance toward answering this question: *What is the responsibility of society for the causes of crime?*

Now what is their answer? More than 28 per cent. tell us they could not read when they entered, 97 per cent. had never learned a trade, those from foreign countries number 28 per cent., those under age nearly 22 per cent., while $3\frac{1}{2}$ per cent. are insane or feeble-minded. Here are five causes of crime: Ignorance, imbecility, want of a trade, youth, and voluntary exile.

If, from these penitentiary statistics of the whole country, we pass to examine those of the common jails of New York (1864), we find that 32 per cent. could not read, 72 per cent. were without a trade, 50 per cent. were foreigners, 49 per cent. were left orphans before they were fifteen years of age, and 50 per cent. admitted their frequenting gambling-houses, houses of ill-fame, and grog-shops. Here, in addition to ignorance, orphanage, exile, and want of a trade, we have gambling, licentiousness, and intemperance, as causes of crime.

Coming still nearer to the honest community, and therefore nearer those causes of crime for which the community is responsible, let us hear what answer is given to this question by the inmates of our twenty-eight reformatories, including under this name: industrial schools, reform schools, farm schools, houses of refuge, and juvenile asylums. Their average number of inmates, in 1868, was seven thousand nine hundred and sixty-three; and their average age, a few days less than thirteen years. Of this number 60 per cent. were of foreign parentage, 55 per cent. orphans and half-orphans, 23 per cent. used liquor and tobacco, 43 per cent. were homeless and truant, and 27 per cent. wholly illiterate.

There is a sad uniformity in these respective percentages, and a still sadder uniformity in the directness with which they point to ignorance, idleness, homelessness, orphanage, licentiousness, and drunkenness as sources of crime. It is noticeable that most of these causes of crime are negative. They are the want of knowledge, want of a trade, want of work, want of a home, want of friends, want of parents, and want of mind. Is it strange that a population from whom most of the natural and moral defences are taken away should be tempted and fall? Such helplessness borders on hopelessness; and nothing remains for its heirs but starvation or crime. Crime is the

last resort of the helpless honest, unless society provides a refuge. "O poverty! thou art indeed omnipotent! Thou grindest us into desperation; thou confoundest all our boasted and most deep-rooted principles; thou fillest us to the very brim with malice and revenge, and renderest us capable of acts of unknown horror! May I never be visited by thee in the fulness of thy power."

Orphanage.

Of 1,553 children received at Mettray, 297 were illegitimate, 705 were orphans, 114 were foundlings, 302 whose parents were in prison, 214 of parents married again, and 99 of parents living in concubinage. Take Mettray away, and what choice was left to these innocents? "Look," says Dr. Guthrie, "at the history of the children of Edinburgh, in the original ragged school, as detailed in some of the annual reports: Found homeless, 72; with the father dead, 140; mother dead, 89; deserted by parents, 43; one or both parents transported, 9; fatherless with drunken mothers, 77; motherless with drunken fathers, 66; both parents worthless, 84; beggars, 271; known or believed to be the children of thieves, 224." Outside of the Edinburgh Ragged School, there was for these children, neither help nor home, father or mother. Society had in effect shut them up to crime. They must live, and a criminal life offered most chances.

What kind of life poor orphan girls in cities generally choose, the following figures, by Mr. Brockway, show: "Eighty per cent. of the females received into the Magdalen Home, at Glasgow, Scotland, in 1866, were orphans or half-orphans. Seventy per cent. of all females received into all these establishments in London, in the same year, were also either orphans or half-orphans." Out of fifteen thousand commitments of females in New York City, in 1866, two thousand two hundred and forty were for vagrancy—which is but another name for homeless girls—girls who have already lost the bloom of their virtue, if not their virtue itself, and are steadily moving on toward a life of prostitution. But no

statistics, however startling their ratios, can convey an adequate idea of the fearful tendency which orphanage among the poor of our cities has toward crime. During the same year (1866), nine hundred and sixty-eight girls between the ages of fifteen and twenty were imprisoned for petit larceny. Here, then, we have more than three thousand girls, out of fifteen thousand female offenders of all classes, committed to theft and lewdness.

Now, let us look at the crimes of boys. We quote from the *XXI. Annual Report of the Prison Association of New York*, because Mr. Brace's figures, with which the comparison is made, belong to that year (1866). Out of 24,329 male commitments, 2,347 were boys for petit larceny. That is, one-tenth of all the offences committed were by boys, and three-fourths of the whole number of petit larcenies for that year were by the same juvenile class. Here, then, we have picked up, by the police, in the streets of New York, in one year, 3,315 boy-thieves, to say nothing of the larger number undetected. Most of them were orphans, all of them uncared for. So much for those who, through idleness, friendlessness, and homelessness, choose the street for a home, and crime for a living. Many of this class, it is true, beg; but the limits between begging and stealing are very narrow, and when begging becomes an occupation, they disappear altogether. Professional beggars are thieves in disguise. Their children can hardly be said to steal; they merely follow the trade of their parents. Their vagabond lives beget in them beastly appetites and habits. They have few ideas of property, none of daintiness or self-restraint. If idleness, and the want of home and parents, work so disastrously, it is safe to infer that, if these wants were supplied, these sources of crime would be drained, if not dried up. And when Red Hill can show 70 per cent. of recovery, and Mettray 89 per cent., no community that neglects or refuses to give their methods a fair trial, can escape the responsibility for more than three-fourths of its juvenile criminals.

Ignorance.

Ignorance is a source of crime. It operates in various ways: first, to expose men to it, and then to prepare them for it. The uncultivated mind is weakened by non-use. For lack of ideas it is often left to the suggestions of the animal appetites, with their debasing and corrupting tendencies. In a land of books and schools ignorance is not consistent with self-respect or manliness. Even the pitiable standard set up in our prison statistics—to be able to read—is far above many of the adults that enter their walls. But when we erect the higher and truer one—of being able to read with facility and zest—such proficiency as puts knowledge, both as a pastime and a power, within men's reach, how beggarly is the show then among our prison population! The average per cent. of the State prison population of New York, in 1864, that could not read was 32. Now, admitting that the remainder could read, and not disparaging the quality of it, it shows eleven times more ignorance among these twenty-four hundred inmates than among the whole outside adult population of the State. Of those outside the penitentiaries, only three per cent. could not read, while 32 per cent. of those inside could not. Even not knowing how to read is eleven times more likely to lead to crime than knowing; or, as Dr. Wines has put it, one-third of the crime is committed by one-fiftieth of the population. So great is the affinity of crime for ignorance. Ninety-seven per cent. of the non-prison population of New York, in 1864, could read; in the same year only sixty-eight per cent. of the prison population could read. Knowing how to read is two-thirds as favorable to honesty as not knowing. In other words, knowledge is more preventive of crime than promotive of virtue.

But as the want of practical knowledge is as really ignorance as the want of book-knowledge, the following figures by Mr. Byers, late chaplain of the Ohio Penitentiary, are more to the point as to the influence of ignorance upon crime. Out of 2,120 under his care, 67 per cent. were uneducated,

that is, men who could barely read, or who could merely scratch their names; 14 per cent. did not know their "A B c's;" 74 per cent. had never learned a trade. Here we have 81 per cent. ignorant of books, and 74 per cent. ignorant of a trade. Apply these proportions to the outside population, and what a mass of ignorance and helplessness it would make! Supposing the population of New York to be 900,000, more than 350,000 of her adult population would be unable to read or write. Hugh Miller, a shrewd observer of man, and himself a mechanic, speaks of these two kinds of knowledge and their influence on men, as follows: "I found that the intelligence which results from a fair school education, sharpened by a subsequent taste for reading, very much heightened on certain items the standard by which my comrades regulated their conduct, not against intemperance or licentiousness, but against theft and the grosser and more creeping forms of untruthfulness and dishonesty."

Emigration.

Another fruitful source of crime is emigration. The figures here are so startling in their disproportions as to foster, and apparently justify, a strong prejudice against our foreign population. Foreigners crowd our alms-houses and asylums, our jails and penitentiaries. In the Eastern Penitentiary of Pennsylvania, from one-fourth to one-third of the inmates are foreigners. At Auburn, from a third to one-half. In Clinton prison, one-half; and at Sing Sing, between one-half and six-sevenths. In the Albany Penitentiary, the aggregate number of prisoners during the last twenty years was 18,390, of whom 10,770 were foreign born. Formidable as such numbers are in their disproportions, we must not be hasty or harsh in taking up a reproach against "the stranger." The excess is local—following the seaports and lines of emigration. For example, while the general average for the whole country is twenty-eight per cent. of foreign-born criminals to seventy-two per cent. of native born; in Nevada, the foreign-born

criminals are fifty-six per cent. while in Georgia, Alabama, and South Carolina, they are only one per cent. There is however an excess, and to account for it let us look at some of the circumstances that are against foreigners. They come here as strangers; often sick, always poor. They have few friends to meet them, greet them, or care for them. They are ignorant of our language, our laws, and our customs. Without a place in which to live, to work, or to worship. Human waifs stranded, rather than landed, on our shores. If they remain in our cities, as too many of them do, they are always exposed to the worst classes of both their own and our countrymen. Is it strange that, with all support and sympathy withdrawn, these exiles should despond, and fall to drinking, or despair, and commit crime? The loss of ten dollars through a sailor-boarding-house, or a fraudulent ticket-agent, may make the difference between a thrifty farmer in Wisconsin, or an inmate of Sing Sing.

As the asylum of the poor of all nations, the United States is specially charged with the duty of a philanthropic legislation respecting immigrants. The famine of Ireland threw thousands of paupers and the product of pauperism on our shores. The emigration since, though less depressed in character, is still a poor if not a pauper emigration, and only in a modified sense can it be said, that this is not the character of all our foreign influx; whether the stream is fed by the coolies of China, the cotters of Ireland, or the peasants of Germany. Most of them live so near the line of pauperism at home, that on reaching our shores, with neither home, employment, nor capital—and strangers, thousands fall below the dead-line of life, with no record but the mortuary or criminal register. But no words can plead for these exiles, as do the following facts and figures taken from the last report of the *Commissioners of Emigration*.

Emigrants provided with food and lodging.....	18,288
Emigrants provided with situations.	36,293
Emigrants relieved, forwarded, etc.....	73,187

Society must keep this population from approaching “the dead-line.” The Commissioners of Emigration have done

nobly, but no local organization can direct and distribute this mighty tide. The nation must do it. "The object of government is to do for a community, what the community cannot do for itself." Emigration mediates between Europe and anarchy, and what the old world is travailing with, till she is delivered, the United States must stand ready to receive. We need a national emigration bureau—with forwarding agencies abroad, and distributing agencies at home. The community on which these immigrants bestow themselves and their labor, cannot quit itself by merely offering homesteads. It must see that the men for whom she intended these homesteads shall find them. She must insist that shipmasters shall not revive the horrors of "the middle passage," and that our railroads shall run their emigrant trains at least as fast as their cattle trains.

The tendency of *homelessness*, with its concomitant privations, to crime is strikingly illustrated by the character of our canal, railroad, and river populations. The number of criminals in proportion to the number of wayfarers and common carriers is very large; so large that it taints the population adjacent to all great thoroughfares. Along the Erie Canal there was in 1863 one crime to every 1,276 of the population. In the population not adjacent, the commitments were one to every 2,876. The nine counties bordering on the Hudson furnished one conviction to every 1,518 of their population, while in the same number of counties secluded from trade and travel we have only one conviction to every 2,864 of the population. Rafting, lumbering, and mining show similar evil flowing from homelessness.

As an episode bearing on the dangers of homelessness, we condense a long letter, written some years since to the Secretary of the Young Men's Christian Association of New York, by one of the hundreds of young men, who annually go to the city to seek their fortunes. First came *rum* to keep up spirits and energy for night work, then came three-fourths of their salaries spent in *theatres* and *bar-rooms*—in dull seasons more *rum* to drive away the blues. Many go to *low concert saloons*, only to kill time. They play *billiards* for *drinks*, and *bagatelle* for *lager*. Play *faro*, or have a throw

at *cards*. They go to the *opera*, to the *theatre*, oyster suppers, and *worse*. All this to feed the hunger of their homeless hearts, and no wonder, for "they bunked in boarding-houses." In receiving and caring for this home emigration let our young men's Christian associations find their proper and sufficient work.

Drunkenness—Prostitution—Gambling.

In all our criminal statistics these three vices appear as the most productive sources of crime. More than one-half of our prison population are intemperate, or were under the influence of liquor when they committed the crimes for which they were imprisoned. The Provincial Penitentiary of Upper Canada, in its report, names drunkenness as one of the two chief causes of crime. Out of 47,313 in the city prisons of New York (1867), 31,298 admitted their intemperance. Fifty per cent. of all the inmates in the county jails of New York (1864) confessed that they frequented drinking, bawdy, and gambling houses. What is the duty of society toward these "institutions?" We will not stop here to answer this question, only premising that we shall better understand what that duty is when once we come to regard drunkenness, gambling, and prostitution, not as *causes* of crime, but as *crimes*. The same remark applies to tenement-houses, swill-milk, and tainted and adulterated food—not the tenants and consumers, so much as the venders and owners, are the real criminals. We say nothing of hereditary crimes; under a wiser legislation these will be held to be diseases and misfortunes, not crimes, and every verdict of acquittal on a plea of insanity will be followed by a sentence to an insane asylum. It is no longer a question of science whether there are hereditary mental and moral as well as bodily peculiarities. Kleptomania is only one of many manias. Thieving argues not merely moral depravation, but intellectual as well. It is not an easy way of making a living. Measured by the criminal's standard of labor and wages, it is a hard way—an extra-hazardous occupation. It is gambling against the whole community, and sure, in the long run, to be a losing

game. When restitution shall once become a recognized element in our penal legislation, we shall have few old offenders against property who will be judged sane.

II.—THE CRIMINAL POPULATION.

We come next to consider the responsibility of society to the criminal population. This class forms the middle term between the endangered class and the imprisoned class. It is smaller than the former, and very much larger than the latter. Though our judicial registers are sadly imperfect, they furnish testimony sufficient to show that the disproportion between arrests and convictions is very great. Dr. Parrish, in a paper on *Professional Criminals*, says, "that out of some 20,000 miscellaneous arrests in Philadelphia per annum, there are but about 1,000 convictions." If this proportion is an average for the whole country, it makes the numbers of the criminal population something appalling. Great Britain reckons that one person in 300 of her entire population is a juvenile delinquent—"a destitute vagabond, abandoned, and in many cases a law-breaking, child below the age of seventeen." About the same ratio holds as to adult criminals. If, now, these proportions obtain among us, supposing our population to be 39,000,000, "the dangerous classes" would number a quarter of a million—more than one-half of whom would be criminals. Now here is a secret caste, numbering at least 150,000, composed of thieves, forgers, robbers, burglars, and counterfeiters,—men and women guilty of prostitution, seduction, rape, and murder. Their business is crime. They have their capital and places of trade, their amusements, literature, and schools. They maintain a sort of loose family and social connection, and under the same laws of increase and education which work in honest communities. They are an organization of criminals for the purposes of crime. How far is society responsible for the existence of this guild of outlaws? How far is Quetelet's dictum—that "society prepares the crime, and the criminal commits it"—true?

Let us see. First come the capitalists of crime—the makers of counterfeiters' and burglars' implements; the receivers and venders of stolen goods; the lenders of money on stolen goods; on "putting up" jobs, and for "spiriting away" offenders—also the owners and keepers of "flash-houses" for the resort, lodging, and concealment of criminals. Separate from the capitalists by a very narrow line, come the middlemen of crime: men and women who get their living by converting the vicious into criminals. Among these are the keepers of drinking-houses, stews, and dance-houses; the owners of rat-pits, dog-pits, cock-pits, and gambling hells. At another short remove come the amusements of the criminal class. Whatever excites or gratifies the baser passions, whatever stimulates the appetite for sufferings or hazards, is a source of pleasure and a means of amusement to them. The dog or prize fight, the rat and cock pit, badgering and baiting, horse-racing and public executions. Every kind of betting is their delight. All their pastimes are so many schools to brutalize the idle, the vagrant, and the young.

They have also their peculiar literature—dime novels, sporting papers, illustrated papers, doctor books, obscene prints, photographs. These papers are filled with the details of vice and crime. They debase and corrupt by their horrible and indecent pictures, and above all, by advertising the whole paraphernalia of licentiousness. The agents of this lewd and licentious learning are found even in some of our remotest rural towns. It is a literature in which the heroes and heroines are thieves and prostitutes, and policemen and honest traders muffs. It fomented criminal desires, and opens the way to criminal practices. In one case, at least, it circulated in a State prison. When a literature which is essentially "earthly, sensual, and devilish" circulates freely among the outside criminal population, and as in this instance (*XIII. Ann. Report New York Prison Ass., p. 482. Quest. 800*), by "corn-baskets full" among the prisoners themselves, is it to be wondered at that "self-abuse" is *the* vice of our prisons and penitentiaries?

III.—THE PRISON POPULATION.

The criminal is a cause of crime. This is not an idle play upon words. Like produces like. The prisoner, as a criminal, is a source of crime. As held in durance he forms a society by himself. So far as he is unemployed and vicious, he becomes a teacher of vice or crime to other persons. In the first stages of imprisonment offenders are generally huddled together irrespective of age, sex, or criminality. Not unfrequently we confine in the same room the criminal and the witness by whose testimony he is to be brought to justice. We commit the boy for doing nothing, because he has nothing to do, to the same apartment with the hardened offender, to be entertained, depraved, and educated for crime, by listening to the recital of its excitements and pleasures. The vagrant girl is lodged with the brazen prostitute. In such a community every thing tends lower. There is no general virtuous sentiment or opinion to control. The feeling of the imprisoned is a class-feeling, "and whatever tends to class-feeling tends to demoralization first, and then to degradation—not merely of the body, but of morals. Classes care only for the opinion of the class, cliques for the opinion of the clique, clubs for the opinion of the club."

If, therefore, there is to be any recuperation in prison life, it must come from without. The officers must originate the recovery, and society must demand such officers as possess this healing power. If selfish men are put to watch these degraded and hardened prisoners, their selfishness will harden them only the more. So long as prisons are looked upon merely as houses of detention and punishment, it matters not what the character of the keeper is, provided he keeps the prisoner safely; but if reformation is the aim of prison discipline, or restoration to society its issue, then the character of the keeper is of the first importance. He ought to be an evangelist; and no man is morally fit to be a warden, chaplain, or assistant, who lacks interest or faith in the prisoner's recovery. In securing this result the co-operation of the prisoner is indispensable. The

keeper must know that enforced work is only less dangerous to the criminal's character than enforced idleness. Self-interest must be awakened. The criminal, even in his outlawry, retains something of a sense of justice and propriety, and these must be preserved and strengthened. They are our last hold on him. If you shut him up to the thought that he is a criminal, and is expected to continue such, you take hope from his horizon. He will emerge from the prison less fitted to assimilate with the honest community, than when it cast him out the first time. So far as seclusion from criminals outside and segregation or congregation with criminals inside were fitted to reform him, he has been reformed—and that is all. Formerly he was a free criminal, now he is an imprisoned criminal—his character is unchanged, and therefore he can never exert on himself or others any but a criminal influence. When he has served his time he becomes once more a free criminal, adding another to the sum of outside criminals—thus ever moving in a vicious and vitiating circle.

The proportion of the criminals restored, to the criminals released, is the test of the efficacy and efficiency of a system of prison discipline; and society is as truly responsible for those causes of crime which work upon the convict while in prison, as for those which brought him there. We separate the criminal element, because it is cheaper and safer when segregated than when diffused through the body politic; if, however, the period of segregation is badly managed, it may, at the time, cost the State as much pecuniarily, and, after the disturbing element has been received back again, may cost more than if no imprisonment had taken place. Two things therefore must be sought imperatively:—

Reformation of the prisoner if possible.

Perpetual detention if not reformed.

IV.—THE LIBERATED CONVICTS.

The relation of society to this class of the criminal population, and its responsibility through them for the causes of crime, is a subject of vital interest and importance. The duty

of society toward the convalescent criminal is of the most delicate nature. If there is enough power in the Gospel to reform the criminal, there ought to be enough power in it to lead us to treat the reformed criminal with confidence. So long as society does not believe in the reformation of convicts, it cannot stand at the open prison-door, and say to them truthfully, or to any good purpose: "Go and sin no more." One thing is certain, society must take back the released prisoner, or the penitentiary must. There is no middle ground. If society conspires against the convict, he must conspire against society—or die a martyr. If our scorn or suspicion hedge up his way to honesty, and open it to crime, we are responsible for that crime. Le Sage says: "A reformed drunkard should never be left in a cellar," yet this piece of uncharitableness we practise, when we demand more integrity and steadfastness from a reformed criminal than from an honest man. It is not the dream of optimists that thieves may repent. If Jesus of Nazareth offered one a place with him in Paradise, is it too much for us to offer him a place with us in the community? But it is not necessary to argue this point in detail. It is the logical conclusion to the cure of crime. A reformed criminal is not a criminal, and to treat him as if he were, is itself a crime. Facts gathered from the experience of France, Ireland, and especially Bavaria, favor the practice of the largest confidence, and the exercise of the broadest charity toward released convicts.

AXIOMS IN SOCIOLOGY.

The following axioms will help us better to understand the responsibility of society for the causes of crime:—

I. *Whatever exposes men to commit crime is a source of crime.*

Helplessness may be considered the sum of this exposure. Poverty is a kind of helplessness. Ignorance is a kind of helplessness—ignorance of reading, writing, and arithmetic; ignorance of a trade, language, laws, customs, etc. Orphan-

age is helplessness, as also are homelessness and imbecility. In all civilized countries, society has committed itself, in part, to the helpless, in each of its dependent phases. It provides alms-houses for the poor; schools for the ignorant; emigration commissioners for the foreigner; asylums for the orphan. ✓What it needs to do, in order to meet all its obligations, is to enlarge, systematize, and enforce its supervision. ✓If society has the right to take the property of the community for the support of paupers, it has the nobler right to legislate in respect to property, that there shall be no honest paupers but imbeciles. If society, for reasons of state, has the right to tax the rich for the education of the poor, it has the complementary right to compel attendance upon the means of education. The rich man's duty to support the school is the poor man's duty to attend it. The same principles which make society responsible for orphans *de jure*, make it responsible for orphans *de facto*—thus the children of criminals and friendless paupers would become the wards of the state.

Charity in its higher sphere, when it ceases to be a mere impulse and becomes a principle of equity as well, is an attempt to restore and maintain the lost balance between the rich and the poor. Its action may be individual or political, accidental or systematic; it is a moral libration, showing the unrest of the world; and any kind of help that does not tend to maintain an equilibrium is so far forth inadequate and injurious. Society must give each man the opportunity to secure his balance. It must teach every man to maintain it—and those who fail it must support. This may appear too much like inaugurating a paternal government, but no government is too paternal that seeks to secure for each man, woman, and child the opportunity of bettering themselves. If they fail and fall, we feel bound in charity to help them; are we any less bound to guard against their failure or fall? We feel bound to purchase the pound of cure; are we any less bound to provide the ounce of prevention? So far as society legislates the disproportion between labor and capital, and thus produces poverty, hardship, hardness, and crime, it is responsible for crime. So far as society helps the strong, instead of, Christ-like, helping the weak, it is responsible for the

crimes of that weakness. So far as society does not help the weak, in, Christ-like, bearing one another's burdens, it is responsible for certain crimes. So far as society does not restrain the strong, it is responsible for the crimes of that strength. Government exists for the weak.

II. *Whatever induces men to commit crime is a cause of crime.*

Under this head come gambling, prostitution, and drunkenness—the most productive of crime, and the most difficult of regulation. They are the three great criminal vices. Vices, so long as they are private; crimes, so soon as they become public. The difficulty of dealing with them is the difficulty of fixing this boundary line.

Let us first look at the difficulty in respect to gambling and prostitution. Both are occupations of choice, seldom of necessity. Both are public. There is not a house of assignation, ill-fame, or gambling that is not known to the police. The vagrant boy or girl, for doing nothing, having nothing honest to do, we imprison. What of the keepers and patrons of brothels and gambling hells? Is not the industry of this man and woman far more criminal than the idleness of that boy, or the vagrancy of that girl? That boy and girl are on the way to crime, it may be the road leading to those very "hells," and for this we herd them in jails full of old criminals to make their destruction surer—the keepers of the bawdy and gambling houses are criminals already, and they go "unwhipt of justice." Is society quit of its duty so long as it knows of houses in which women publicly advertise licentiousness, and men as publicly tempt to fraud? The same question applies to the publication of obscene books, prints, and papers.

As to that most vexed question of drunkenness—that it is the most fruitful source of crime no one doubts—that it is a public vice is equally admitted. Its haunts are even better known than those of the gambler and courtesan. The latter are known to the whole police, the former to the whole public. Can the community do nothing better than license rum-shops

and then build inebriate asylums? We put these two questions: First, Is there a single valid reason for a *drinking-house*? An ice-cream saloon or a soda-fountain may be a luxury, and an eating-house a necessity; but there is not a single argument of necessity or luxury for a dram-shop. Yet New York, in 1864, had twenty-one thousand two hundred and forty-two. One public drinking-place to every one hundred and eighty-three of her population. The other question is this: If drunkenness is a crime when it comes before the public, why cannot it be punished as well as theft or fraud, and *in the same manner*? Until a satisfactory answer is given to these two questions, society must be held responsible for the crimes of drunkenness and drinking-houses. As we approach the perilous line that divides between private vices and public crimes, legislative responsibility increases in delicacy and obligation, but a sound moral sense will help us to find the line, and to enforce the law.

III. *Whatever appeals to the baser passions and instincts is a source of crime.*

All the specific amusements of the criminal classes come under this axiom: such as dog-fighting, prize-fighting, and cock-fighting; baiting, badgering, ratting, and sparring. Debasement and cruelty mark them all. And all of them are known to the police. Why does society mulct these outrages just enough to give them zest in the eyes of their perpetrators and patrons? Henry Bergh's interposition to prevent cruelty to animals points the way in which legislation and public morality should go, though horse-racing, agricultural-fair trotting, and the furor which travelling ball-clubs and international boat-racing excite, show that there is yet a long way to travel.

IV. *Whatever, in the administration of justice, outrages justice is a cause of crime.*

The whole prison area needs reformation, from the commitment of the prisoner to his release. The incompetent treat-

ment of crime is a source of crime: not promptly to ferret out criminals is incompetent treatment; not carefully to classify criminals is incompetent treatment; not adequately to punish criminals is incompetent treatment. A just system of penal treatment must secure a classification of criminals, and also a classification of penalties. It must seek and maintain the line that divides the hopeless from the hopeful, and when hope of reformation ceases, hope of liberation should cease too. Penalties should be just, rewards generous. The former must commend themselves to the criminal's conscience, the latter to his affections. To intrust these important and delicate responsibilities to political or perfunctory agents is itself a fruitful source of crime, both among criminals and prisoners. May "the keeper of the prison" at Philippi have a large succession.

V. Whatever evinces an inadequate repressive legislation is a cause of crime.

An inefficient, insufficient, or low-toned police is an encouragement to crime, because it offers such large chances against detection. Prevention is better than apprehension. The eye of the vigilant patrolman is a greater terror to the man who meditates crime, than a score of detectives, after he has committed it. This is especially true of crimes of premeditation, as compared with crimes of passion. Statistics show that crimes against property are four times as numerous as crimes against persons, and of these the great majority are crimes of reflection. When we come to crimes against persons, we find the major part are unpremeditated. Most criminal acts are secret, or depend on skill and opportunity. Cowardice rather than courage marks crimes. There are twenty petit larcenies to one robbery; seven grand larcenies to one burglary. Even the boldest crimes carry the badge of cowardice—the burglar works under cover of night, and the robber works in secrecy. Inexperience, too, and first attempts characterize large numbers of offences. Therefore, so far as crimes of inexperience, cowardice, and premeditation are concerned,

a vigilant and sufficient police is more repressive and deterrent than a vigorous judiciary or a rigorous imprisonment.

An inefficient judiciary and executive encourage crime by offering chances of non-commitment, non-conviction, or easy pardon. The significance of this statement will be seen when we consider the aggregate of the prisoner's chances of escape from punishment. It is estimated that the chances in favor of the criminal between his commission of a crime and his commitment, is eighty-three per cent. ; between commitment and conviction, five per cent. ; between imprisonment and pardon before expiration of sentence, fifteen per cent. Thus, in the lottery of crime, there are eighty-eight chances out of a hundred against the honest community before the criminal is incarcerated, and from fifteen to twenty per cent. after he is in prison. It is hardly necessary to say that so many chances in favor of the criminal are so many encouragements to commit crime. These facts give new force to Beccaria's maxim of *certainty* in punishment. Certainty is of the essence of prevention. It ties the penalty to the crime, and the criminal to the executioner. One of the main ingredients of certainty is celerity. Certainty makes the bond between crime and punishment indissoluble, and celerity makes it formidable.

The efficiency of a police system is measured by the number of criminals committed compared with the number of crimes committed.

The efficiency of the judiciary is measured by the proportion of convictions to the number of commitments.

The efficiency of a penal system is measured by the proportion of released convicts to the number of recidivists.

In conclusion : The responsibility of society for the causes of crime is very great, and the amount of crime is very formidable, but the work of prevention, punishment, and reclamation, is far from being hopeless. Even crime has its compensations. Its habitat is known. Its area is limited and definite. It lies in and about the great centres of population, and along the main lines of travel and traffic. Its largest masses move in the smallest orbits. Criminals are chiefly recruited from

the ignorant, the idle, the homeless, and the friendless. They are found in force wherever there are grog-shops, houses of ill-fame, brutal sports, and betting. It is a population fully known to the police—their practices, haunts, and pastimes; their capitalists, panders, and customers. The known criminal population of England and Wales numbers 134,323, one-fifth of whom make London their head-quarters. What is so public, defined, and limited; must be, in a great measure, preventible, punishable, and reclaimable.

The harmonizing of labor and capital; compulsory education; legislative control of the idle, the vagrant, and the helpless; a prompt and rigid prosecution and punishment of the capitalists and caterers of crime, and an enlarged and enlightened application of the law of kindness to prison discipline, will diminish crime to a minimum, by changing it to virtue, or reducing it to vice.
